THE VIRGINIA GAZETTE, & GENERAL ADVERTISER.

RICHMOND:—PRINTED (EVERY TUESDAY AND FRIDAY) BY AUGUSTINE DAVIS, AT FOUR DOLLARS PER ANNUM—PAID IN ADVANCE.

NUMBER 978.] TUESDAY, MARCH 2, 1802. [VOLUME XVI.

RUNAWAY,

From the subscriber, on Friday last, a yellow man slave named

Anthony.

HE is about five feet eight inches high, twenty-five years old, has a remarkable thick black beard, had on when he went away a short blue coat, bordered with red, with a red cape; he also took with him a variety of other cloathing; was formerly the property of Mr. Henry Gerard Latus, at the Bowling-Green, where it is supposed he will attempt to go. He was born in Richmond county, and has acquaintances in Surry. Any person who will secure the above mentioned slave, or deliver him to me in this place, shall receive compensation adequate to the trouble, and all expences paid.

BEN: MOSBY.

Richmond, Feb. 8, 1802. tf

Robert & Allan Pollok & Co.

Are now receiving by the late arrivals from London, Liverpool, & Glasgow,

A GENERAL ASSORTMENT OF

DRY GOOD,

SUITED to the present and approaching Season, which they offer FOR SALE on moderate terms.

BUCHANAN & POLLOK,
Of Petersburg, and
ROBERT POLLOK & Co.
Of Manchester,

Are also now opening their Supplies of

FALL AND WINTER GOODS.

Richmond, October 8, 1801.

United States Fourth Circuit,

Eastern District of Virginia.
December term, 1801.

Mary Douglass, plaintiff,
Against
Thomas Blane & James Patton, jun. defts. } *In Chancery.*

THE defendant Thomas Blane, not having entered his appearance and given security according to the rules of this court, and it appearing to the satisfaction of the court, that he is not an inhabitant of this district, on the motion of the plaintiff, by his counsel, *It is ordered*, that the said defendant do appear here on the first day of the next court, and answer the bill of the plaintiff; and that a copy of this order be forthwith inserted in some one of the newspapers published in the city of Richmond for two months successively, and posted up at the front door of the capitol, in the said city.

A Copy Teste,
Wm. MARSHALL, Clerk.

THE CONNECTION between BERKELEY and DAVIS, at the EAGLE-TAVERN, is dissolved this day. All persons having claims against them, are requested to make them known immediately.

Richmond, Feb. 16, 1802. 3w

New Millenery.

M. PHEPOE,

RESPECTFULLY informs the Ladies of Richmond and its vicinity, that she has received by the last arrivals from London and New-York, an elegant Assortment of MILLENERY, of the newest and most approved fashions, consisting of Circassian Turbans, Jockey Caps, Helmet Do. Dutchess of York's Whim, Buffoons, Cestus's, Feathers, Flowers, Wreaths, &c. &c. &c. which are now open for their inspection, at the house occupied as a store by Mr. Henry M'Clatchy, upper end of the main street, near Shockoe Hill.

Richmond, Feb. 16, 1802. tf.

James P. Hopkins,

TAYLOR,

[OPPOSITE THE CITY HOTEL]

RETURNS his grateful thanks to the citizens of Richmond and its vicinity for the encouragement he has received, and assures them, that no exertion on his part shall be wanted to deserve their future favours, being provided with good workmen, he will be able to serve them on the shortest notice, with the newest fashions and his usual punctuality.

☞ Those of his country customers who are indebted to him, will serve him materially by immediate payment.

Richmond, Feb. 16, 1802.

Old Dare-Devil

STANDS at my house in Chesterfield county on Appomattox river, fifteen miles above Petersburg, ten from the court house, and will cover mares by the season at Thirty-Five Dollars, ten of which will be remitted, if paid by the 10th of August, when the season expires. Mares may be fed with grain at twenty-five cents per day, which must be paid before they are taken away.—It is needless to swell the advertisement with his pedigree and performance, as they have been so often ascertained heretofore—Undoubtedly he was as fleet a horse as any in England in his day—as to his blood, it is from the first crosses; that is, Herod and Eclipse. Dare Devil's get speaks for themselves, as they are the best racers on the continent, which was made manifest by their run last fall. They won at Richmond, Petersburg, New-Brunswick, Hick's-Ford, Norfolk, Warrington and Tarborough, besides at many other places. No responsibility for accidents.

THOMAS GOODE.

February 12, 1802.

N. B. One Dollar to the groom.

Land for Sale.

PURSUANT to a decree of the worshipful court of King William county, made on behalf of James Price, and Wm. Brooke, complainants, against Robert Price defendant, the tract of LAND, on which Mr. Robert Price now resides, in the said county, will be sold, at King William court house, on the 22d day of March next, for ready money.—There is a convenient and large brick house, with other necessery buildings on the said land, and it is supposed that the quantity of acres contained in the tract, is between 700 and 800. This situation is considered not only healthy, but elegant; and commands an extensive view, up and down the Mattapony River, on whose banks it lies. It abounds with wild fowl and forusses; is in the vicinity of good fisheries, and well supplied with oysters from York River. The soil is stiff and clayey and of middling quality. This seat is about 8 miles distant from King-William court house, and within two miles of Frayser's Ferry.

The Commissioners.

February 8, 1802.

By virtue of a deed of trust made to us by Mr. William Massie of Goochland county, for the purpose of securing the payment of a sum of money to Thomas Mitchell of Louisa county, will be exposed to public sale, on the premises, on the 27th instant, the

Tract of Land,

on which the said William Massie now lives,

CONTAINING by survey 268 and one fourth acres. Also

5 Negro Slaves,

or so much of the aforesaid property as will be sufficient to discharge the sum of £. 54 : 4s : 10d. with interest and charges.

John Quarles.
John Napier.
Moses Norris.

February 11, 1802. cp5t

Eighty Dollars Reward.

STOLEN,

On the night of the 19th of January, a blood

Bay Gelding,

RISING eight years old, about 15 hands high, nicked, and branded on the left buttock O, which shews very plain; a little white on the right hind foot just above the hoof, about half way round, which may not be observed unless examined, paces, trots and gallops. He may be disfigured to prevent discovery, by altering the brand, cutting off his ears, or otherwise. He was stolen by a man whose real name, I am informed is, Obadiah Williams, though he has passed by several other names; he is six feet (or upwards) high, with large grey eyes, fair complexion, and short light hair, has a scar on the right side of his nose, and a small bit of the nostril is torn or cut out. I will give 50 dollars on conviction of the thief; 30 dollars on the delivery of the horse, or 20 dollars for such information as may enable me to get him again.

Laurence Battaile.

Caroline County, Feb. 8, 1802. 7w

For Freight or Charter,

The fast sailing new brig

TYGER,

now laying at Norfolk, burthen about 190 tons—will take about 200 Hhds. Tobacco, or 2000 Barrels Flour; is in complete order and ready to receive a cargo. For terms apply to

WILL. TEMPLE.

Richmond, 15th Feb. 1802.

FOR SALE,

On the premises, on the 3d day of March next, if fair, if not the next fair day, that valuable property well known by the name of

SEAWELL's TAVERN,

CONTAINING 210 acres, more or less, lying in the county of Gloucester, five miles from Gloucester Town, and ten miles from the Court-house. There is on the land a good dwelling-house, kitchen and stables; also, a good apple orchard, with a race ground, equal, if not superior to any in this state. The place is well situated for a tavern, store, or a country seat, being convenient to fish and oysters; the soil is adapted to the culture of corn, wheat, and tobacco, with a plenty of oak and pine timber. The terms of sale are, four hundred pounds, cash, and twelve months credit will be given for the balance of the purchase money; for which a mortgage on the land will be required, by

JOHN SEAWELL, Jun.
Attorney in fact, for
JOSEPH SEAWELL, Sen.

February 14, 1802. 3t.

By virtue of two deeds of trust executed to the subscriber by William Mead, will be exposed to sale, at public auction, for ready money, on the premises, for the purpose of discharging a debt due to Thomas Goodwin, Esq. of Fredericksburg, and a debt due to Mr. Joseph Sandidge of Louisa; on Saturday the 27th day of March next, the

Tract of Land,

WHEREON the said Mead now resides, on Contrary River, in Louisa county, containing 216 acres, more or less and is adjoining the lands of George and Joseph Boxley, Walter Lewis, William Kimbrough, John Burrass, John Gibson and Daniel Ford.

SAMUEL OVERTON, jun. *Trustee.*

Louisa county, Feb. 8, 1802. tdf

Sales at Auction.

THE subscribers again beg leave to inform their friends and the public, that being still desirous to close Sales of a considerable consignment of MUSLINS, consisting of elegant tamboured, printed, spel, and printed shawls, amounting to £.1000 sterling, offer them at currency for sterling, for Tobacco, of good weights, of the Richmond or Manchester inspection at 33s. per cwt. or approved notes, or acceptances, at 6 months.

PROSSER & MONCURE, V. M.

P. S. Will be sold on the premises, on Saturday the 28th March, at 11 o'Clock, A. M. for approved Notes at 60 days, One Square LOTS, on Shockoe Hill, within the corporation of the city, and known by the Nos. 59, 60, 67 and 68, in Wm. G. Payne's platt, dated 10th January 1799.

Also—One Lot, known by the No. 631, adjoining the Lots of Mr. Patrick Gibson.

P. & M. V. M.

Richmond, Feb. 22, 1802.

Wanted as a Tutor,

IN a private family, a person who is capable of teaching the English and Latin Languages, also writing and arithmetic. Such a one who can come well recommended, as to his sobriety and good manor will meet with generous encouragement. Apply to the printer hereof.

Feb. 15, 1802.

I INTEND leaving the state for a few months, during which time Mr. Andrew Nicolson, of Manchester, is fully empowered to transact any business on my account.

GEO. NICOLSON.

Richmond, Feb. 18, 1802, 3w

SENATE
OF THE
UNITED STATES.

Tuesday, January 19.

DEBATE

On Mr. Brackenridge's motion to repeal the act passed last session for a new organization of the JUDICIARY SYSTEM.

CONTINUED.

Mr. Ross.—I regret extremely that by my absence from the earlier part of this session, I have lost the interesting information which has been offered by the able and eloquent discussion of the question. When the intelligence reached me that such a bill was proposed, I lost no time in repairing to my seat, that I might at least, discharge the melancholy duty of entering my solemn protest against a measure, more pernicious in its nature, and more fatal in its consequences, than any ever proposed in this house.

Having already [in the debate on Mr. Reis's motion to except the 3d circuit from the repealing law] stated my reasons for preferring the present to the former organization of the circuit courts of the United States, I shall repeat nothing respecting expediency, but confine myself strictly to an examination of our constitutional power to pass the bill now under consideration. And in doing this, I do not mean to deny the power of Congress, to add new judges to existing courts; to forbid the filling of vacancies so as to lessen the number of judges; to devolve new duties upon the courts, or take away old, but unnecessary jurisdiction; nor will I dispute their authority to abolish a particular court, where it can be no longer employed for the purposes of its institution, provided such abolition be attended with regulations guarding against the violations of public engagements. All these points may be safely conceded, and the concession will at once silence gentlemen, who have as erroneously as boldly asserted, that the law of the 13th February, 1801, embraces a principle and furnishes a precedent, as broad and as pernicious as the present.

That law declares that the first vacancy in the supreme court of the United States shall not be filled up. This would reduce the future number of that court to five.

How does this affect the independence of the court or of any member of it? Surely there is no breach of your engagement with any individual, nor can I discover what gentleman intended to condemn.

The same law in the 24th section provides that the district judges of Kentucky and Tennessee shall be component members of the courts in the sixth circuit: And it is now asserted that thereby the old courts are abolished, the judges divested of their old commissions, and appointed by the legislature to fill the new offices vested by that act.

But when the old system is examined we find that the judges in those states, had the power of holding circuit courts as well as district courts within their respective states. That by the late law they still remain judges of the circuit courts as before, and retain all the powers of district judges. That as some new duties have been devolved upon them, a large additional compensation for their services has been added to their original salaries: And that they have their original jurisdiction and more; they sit in the same court, hold the same office, have the assistance of other judges: they lose none of their independence but gain a great increase of compensation. The law of 13th Feb. 1801, then displays the sacred regard of the last Congress for the constitutional permanency of the judiciary, instead of furnishing a precedent for legislative removal of judges from office.

By the bill on your table, the legislature asserts and exercises the new and dangerous power of abolishing *all* the circuit courts of the U. S. of removing from office *all* the judges of these courts, erecting new courts of the same name and with precisely the same jurisdiction to be held by other persons who are designated in the bill. The judges are displaced, not because you will no longer employ circuit judges: for *you appoint* and *employ* other circuit judges: the courts are *nominally* abolished, not because inferior or circuit courts of the United States are useless, or the purposes of their institution at end: for other courts, of the same name, with the same powers, and for precisely the same purposes, are enacted by this very bill. Whatever its title may be, the bill itself is nothing less than an act of the legislature removing from office *all* the judges of *all* the circuit courts of the United States. It is a declaration that those officers hold their offices at your will and pleasure. That by law you signify your preference of other men, and that these shall serve you no longer.

This is a direct and palpable violation of the constitution. After providing for the internal security of a nation, the great care of every legislator is directed toward the pure and prompt administration of justice. It is for the attainment of this great end, that government is principally instituted and the people are happy, or miserable, as the judiciary is pure, wise, and independent, or otherwise. The executive and legislative authority, instead of being in their nature paramount, are rather auxiliary and subservient in promoting the free and irresistible operations of the judicial power. In our national government these three great powers are clearly separated, and deposited in different hands. It is a government of departments, each representing and exercising the sovereignty for a particular purpose, and each prohibited from encroaching upon or exercising the power of another.

By art. 3. sect. 1 and 2, the judicial power is vested in a supreme court, and such inferior courts as Congress may from time to time establish. The judges of all courts of the United States, are to hold their offices during good behaviour, and to receive a compensation which shall not be diminished during their continuance in office.

The provision for their independence both of legislative and executive power was wise and absolutely indispensable. From the constitution itself they have a transcendant jurisdiction, not only between citizen and citizen, but between a state and citizen, between different states, and between the United States and the several states. It would have been preposterous to subject the courts to those whose acts they are directed to interpret and controul. The laws of Congress organising the courts, define the number of judges in each court, fix their compensations and designate the extent of their jurisdiction. But the tenure of office is not derived from the laws, but from the constitution—Congress cannot erect courts to be held by judges commissioned during the pleasure of the executive, or of the legislature, or during five or ten years only; such a law and such a tenure would be clearly unconstitutional.

But it is contended that although the constitution prohibits the executive and legislature from displacing a judge *directly or by name*; yet the legislature may abolish the office and thereby indirectly effect the same end. For then there will be no office in which the judge can continue, nor any service rendered for what he ought to receive a compensation. There is no violation then of the letter of the constitution, and the legislature are the sole judges of its true spirit.

I answer that no device however subtile will protect us in producing a forbidden result. An unlawful end cannot be reached by lawful means. This is a moral and logical truth of the old school, which I be-

I eve the new philoſophy will find no proceſs of reaſoning to overturn; and I ſhould be obliged to any ingenious gentleman, for ſtating a ſyllogiſm which would produce ſuch a concluſion. I know well, that by metaphyſical abſtractions, you may imperceptibly gain a little and a little more, until at laſt the illuſion of the fallacy is ſcarcely within the compaſs of detection; but here, where every ſtep can be ſo diſtinctly traced, the deluſion is impoſſible. You admit that the diſmiſſion of ſixteen judges by name would be unconſtitutional. What difference is there between this and your bill, which declares that the circuit courts ſhall no longer be held by the preſent judges, but by certain other men? You do not deſtroy the office of circuit judge, for you ſtill retain the circuit courts. You remove the office from one ſet of men who now hold it, and give it to another ſet that pleaſes you better. Then you contend that this operation being a removal of offices from men, is not a removal of men from offices, as if your purpoſe were not as eſſentially attained by inverting the order of the words as without it, you ſay there ſhall be a removal, and yet admit that direct removal by you is unlawful. Surely ſo bare-faced an evaſion, ſo undiſguiſed an uſurpation of power can deceive no man who is not already reſolved to be deceived.

The honorable gentleman from Vermont has ſaid in this debate, that the words, 'holding during good behaviour,' uſed in the conſtitution have been very differently underſtood in the different ſtates; and that the Engliſh courts, whoſe judges hold their office during good behaviour may be aboliſhed by an act of parliament which is held to be omnipotent.

The gentleman ought to recollect that there is no analogy in this reſpect between our national government and that of Great-Britain. There, an act of parliament can change the conſtitution. Here, the written conſtitution eſtabliſhed by the people reſtrains the legiſlature to the exerciſe of delegated power, and fixes immutably certain bounds which it may not paſs. If it ſhould raſhly exceed the delegated power, our judiciary ſworn to ſupport the conſtitution muſt declare that the great *irrepealable ſtatute* made by the people ſhall reſtrain and controul the unauthoriſed acts of agents who have exceeded the limits of a ſpecial authority.

I could eaſily produce opinions of high reſpectability from many of the ſtates ſhewing that by the words 'during good behaviour' was underſtood a complete independence of the legiſlative as well as executive power, but at preſent I ſhall only refer to a caſe from Virginia which is directly in point, and decided by men of great eminence, whoſe talents and political opinions will not be queſtioned by gentlemen who are the friends of this bill. As the caſe and opinion are printed and in the hands of every body, I merely repeat that the judges of Virginia, Mr. Pendleton at their head, did refuſe to execute a law of that ſtate, as unconſtitutional, and aſſigned their reaſons in writing, among which are the following:

"The propriety and neceſſity of the independence of the judges is evident in reaſon and the nature of the office; ſince they are to decide between government and the people, as well as between contending citizens; and if they be dependent on either corrupt influence may be apprehended, ſacrificing the innocent to popular prejudice and ſubjecting the poor to oppreſſion and perſecution by the rich. And this applies more forcibly to exclude a dependence on the legiſlature, a branch of whom in caſes of impeachment is itſelf a party.'

'This principle ſuppoſed, the court are led to conſider whether the people have ſecured or departed from it in their conſtitution or form of government. In that ſolemn act they diſcover the people diſtributing the governmental powers into three great branches, legiſlative, executive and judiciary, in order to preſerve that equipoiſe which they judged neceſſary to ſecure their liberty; declaring that thoſe powers be kept ſeparate and diſtinct from each other, and that no perſon ſhall exerciſe at the ſame time an office in more than one of them. The independence of the two former could not be admitted, becauſe in them a long continuance in office might be dangerous to liberty, and therefore they provided for a change by frequent elections at ſtated periods; but in the laſt, from the influence of the principle before obſerved upon, they declared that the judges ſhould hold their offices during good behaviour. Their independence would have been rendered complete by fixing the quantum of their ſalaries.'

After ſtating the vaſt increaſe of duty, without a correſpondent increaſe of ſalary, which they deemed ſuch an attack on their independence that it would be inconſiſtent with a conſcientious diſcharge of duty to paſs it over, they ſay: 'For vain would be the precaution of the founders of our government to ſecure liberty, if the legiſlature, *though reſtrained from changing the tenure of judicial offices*, are at liberty to compel a reſignation by reducing ſalaries to a copper, or by making it part of the official duty to become hewers of wood or drawers of water.'

From which there can be no doubt that in the opinion of the higheſt law characters in Virginia, the words 'during good behaviour' even without a proviſion for compenſation, do ſecure to the judges a complete independence of the legiſlature as well as of the executive power in the tenure of their offices; and ſhould an indirect attempt be made upon that independence, either by withholding pecuniary compenſation or by devolving duties too burdenſome, the judges themſelves may take up the law and declare it to be void—I ſhall only add, that the legiſlature of Virginia, with moderation and good ſenſe highly honorable to themſelves, yielded to the judges and new modelled their law.

The ſame gentleman from Vermont has alſo complained that all our inferior courts, as well as the ſupreme court, would according to our doctrine be unchangeable and eternal. This poſition is altogether incorrect and fanciful: for we admit that the legiſlature may add to, diminiſh juriſdiction, may forbid vacancies to be filled, and do many other acts contended for. But we deny that they can remove officers at their pleaſure, and put others in their ſtead: that they can vacate the acts of all our criminal and civil judges and fill them again with their own men. In one word, that they can aſſume executive power over the judiciary, and deſtroy, and create in the ſame ſtatute. The judicial power is in its nature as permanent and as unchangeable by the legiſlature or executive as the conſtitution itſelf, and when it loſes theſe attributes, we loſe all ſecurity for property, for fame, and for life; we have nothing left that is worth preſervation.

Some gentlemen have ſaid in this debate that the ſupreme court is better ſecured by the conſtitution againſt the legiſlature, than the inferior courts, and have made a grave diſtinction between the words 'ſhall' and 'may'—I ſee no difference in the ſecurity of the judges of the reſpective courts. Try the efficacy of the new doctrine upon the ſupreme court. It is organiſed by law. The power which enacted can repeal the law. We will remove the office from the judges, not the judges from the office. At preſent there are ſix judges in that court. There will be *a ſupreme court* if we repeal the law as to three. You may ſay the three eldeſt, the three youngeſt, or the three who wear wigs ſhall hereafter hold the court. Nay, the principles of the preſent bill would warrant you in enacting that the preſent ſupreme court ſhall be aboliſhed; and that the ſupreme court ſhall hereafter be held by the diſtrict judges or any given number of them. And your juſtification is the ſame. You have legiſlated reſpecting the office only, although the fact will alſo be that the office is the ſame, but the officers are all changed by the new operation of your law.

By this horrid doctrine, Congreſs erects itſelf into a complete tyranny. All the judges of your civil and criminal courts hold their offices at the will of the legiſlature. A majority of the two houſes is in reality the national judiciary. "During good behaviour" means as long as the prevailing party in Congreſs chuſe to continue one of their own laws.—When parties change the judges muſt all go out. What can our citizens, what can ſtrangers expect from ſuch courts? If you paſs laws impairing the obligation of contracts, or violating our public faith, or ex-poſt facto in their operation, will our courts have courage enough to obey the conſtitution and their oaths, by declaring ſuch acts void? If you infringe the rights of a ſtate, or deny the privileges ſecured to it by the conſtitution, what remedy, what hope has that ſtate? Will the judges dare to reſiſt your law, or refuſe to execute it? If they do, their doom is certain, you ſweep away their offices by a law, and appoint others to do their duty: or you nominally erect new courts with the ſame juriſdiction and leave the executive to hunt for more pliant men. Nay, ſhould the courts of the legiſlature be in ſeſſion at the ſame time, and the ſame place, the whole buſineſs may, on legiſlative whim or paſſion, be taken out of the hands of the court who had begun to hear it, and given to men more favorable to the claims of popular ſuitors, or the acquittal of favourite criminals. The legiſlature thus becomes a corrupt deſpotiſm, under which no wiſe man would live, and to which no freeman ought to ſubmit.

Inſtead of an auguſt and venerable tribunal, ſeated above the ſtorms and oſcillations of faction, prepared to reſcue innocence from the fangs of the oppreſſor, to ſtand in the gap as mediators between the great officers of government and the people, between the national confederacy and the individual ſtates; you have a tranſient artificial body, without a will or underſtanding of its own, impelled by your own machinery, and deſtitute of the celeſtial fire which ſhould animate and direct its courſe. It will be the mimickry and the mockery of juſtice. No more will you ſee in the adminiſtration of juſtice those men whoſe acquirements and talents have called them to eminence at the bar. They will never conſent to become the ſport, the tools and victims of factions contending for maſtery in the ſtate. Even mediocrity in the profeſſion, will not leave eaſe and dignified independence for a ſeat of precarious duration, and where the hazard of degradation is eminent and irretrievable. You will reſort to the dregs of the law, to the peſts of ſocial life, where you may find impudence without ſcience, zeal without judgment; ſelf-ſufficiency without moral principle, and we ſhall ſoon ſee executioners inſtead of judges in the ſacred ſeat of juſtice. When popular leaders ſue before ſuch courts, their adverſaries muſt be manifeſtly in the wrong, and when the ruling party accuſes, the priſoner at the bar will never be found guiltleſs. Such a ſtate of things is certainly deprecated by every honorable member of this houſe, and yet, in my apprehenſion, this fatal meaſure, if carried through, will hurry us forward into calamity and miſfortune beyond the faculties of man to foreſee or deſcribe. Let us then ſtop while we are yet ſafe, while the boundaries of our power and our duty are yet viſible; while we have a government founded on opinion, unaided by force and ſupported by affection; a government ſecured by ſolemn covenant and compact to abſtain from the exerciſe of prohibited power. Upon our obſervance of this eaſy condition hang the hopes and the happineſs of the new world. The day we tranſgreſs we fall from our high and happy ſtate. Touch not then the forbidden tree; the taſte may perhaps be ſweet, but the ſin is mortal, and from that moment our Paradiſe is loſt.

HOUSE of REPRESENTATIVES OF THE UNITED STATES.

February 16.

Debate on the bill received from the ſenate, entitled "An act to repeal certain acts reſpecting the organization of the courts of the United States."

Mr. HENDERSON——

I ſhould not riſe to offer my opinion on the great queſtion now before the committee, were I not placed in a ſituation different from that in which I have been ſince I have had the honor of a ſeat in this houſe. The legiſlature of the ſtate of North Carolina, one of whoſe repreſentatives I am on this floor, have ſeen proper to inſtruct their ſenators, and to recommend to their repreſentatives in congreſs to uſe their exertions to procure a repeal of the law paſſed the laſt ſeſſion of congreſs for the more convenient organization of the courts of the United States; and as the bill on your table has for its object the repeal of this law, and as I ſhall probably vote againſt its paſſage, a decent reſpect for the opinions of thoſe who have framed and ſent forward thoſe reſolutions, demand that I ſhould give the reaſons which influence my conduct.

And here, ſir, I cannot forbear lamenting extremely that I ſhould unfortunately be placed in a a ſituation where the higheſt obligations of duty compel me to act in oppoſition to the wiſhes of that community to which I immediately belong. It is certainly of great importance that as public functionaries we ſhould not only diſcharge thoſe truſts committed to us with fidelity, and for the general good, but in ſuch a manner as to give ſatisfaction to thoſe for whom we are acting.

And if I knew the feelings of my own heart, I declare, that next to the conſciouſneſs of having performed my duty with uprightneſs, is the knowledge that in the diſcharge of this duty I meet the approbation of my fellow men. But, ſir, if this approbation is only to be obtained by the unconditional ſurrender of my underſtanding, and the violation of my oath, I hope I ſhall be excuſed if I do not make this ſacrifice at the altar of public opinion. Indeed, Sir, were I diſpoſed to forego my own opinion and adopt that of the legiſlature of my ſtate—were I inclined to ſay thy will be done not mine, I ſhould firſt demand of them an abſolution from the oath which I have lately taken to ſupport the conſtitution of the United States. As long as that oath is binding on me, I ſee an inſuperable objection to my acting in conformity to their wiſhes.

I will further remark, ſir, that I am not a little ſurpriſed that, that auguſt body ſhould have undertaken to decide on a queſtion not neceſſarily before them without having an opportunity of hearing the arguments which may be uſed here either on one ſide or the other. I will not permit myſelf for a moment to believe the meaſure originated in a want of confidence in thoſe who repreſent the ſtate and the people in this aſſembly. And yet, if that confidence exiſts, the reaſons for this proceedure do not immediately preſent themſelves to the mind.

I hope, ſir, it will not be underſtood that I mean to caſt the moſt diſtant ſhade of diſreſpect on that body. I feel too great a reſpect for the legiſlature of my native ſtate to be guilty of ſuch an attempt. No doubt but they were influenced by the pureſt and the moſt correct underſtanding. It does not follow by any means, that becauſe my weak and feeble mind cannot diſcover perfect propriety in the conduct of men, that therefore it does not exiſt. Having premiſed thus much Mr. Chairmain, I will proceed to an examination of the queſtion under conſideration. It has been uſual to divide it into two parts: firſt, the expediency; and ſecondly, the authority of congreſs to paſs the bill on the table. This is a natural and correct diviſion; but I ſhall invert the order of conſidering the queſtion, and firſt examine our power to act, before we conſider the expediency of action. And if after a calm and candid review of the conſtitution, it ſhould be found that we are prohibited from paſſing the bill, there will be no neceſſity for inquiring into the expediency of repealing the law paſſed laſt ſeſſion of congreſs for organizing our courts of juſtice. The relative merits of the old and new judiciary ſyſtem will be entirely out of view. For I am confident that there is not a member of this body who would wiſh to paſs the bill, on your table, if in doing it we muſt violate the ſacred charter under which we are now aſſembled.

The people of America have ordained and eſtabliſhed that the powers of government ſhall be veſted in three great departments—the legiſlative, the executive, and the judicial. They have ſaid that there ſhall be an houſe of repreſentatives, the members of which ſhall be choſen by the people of the ſeveral ſtates, every ſecond year. Though this houſe is compoſed of members choſen by the people immediately; though they can have no other intereſt than the great community from which they were ſent; though they muſt return to the common maſs in the ſhort period of two years, yet enlightened America did not ſee proper to entruſt the power of making laws to this body alone; they knew that the hiſtory of man and the experience of ages bore teſtimony againſt the ſafety of committing this high power to any one aſſembly not checked by ſome other body.

They have therefore erected another branch of the legiſlature, called the ſenate, the members of which are not to be elected by the people immediately, but by the ſovereigntics of the ſeveral States: they are to be choſen for ſix years and not for two, and the qualification requiſite to intitle thoſe to a ſeat is different from that of a member of this Houſe. To theſe bodies are given the power of initiating all laws, but after a bill has paſſed both of theſe Houſes, before it becomes of binding obligation on the nation, it muſt be approved of by the Preſident: it is a dead letter until life is given by the executive. The Preſident is elected not by the people, nor by the legiſlatures of the ſeveral States, nor by either Houſe of congreſs, but by electors choſen by the people. He is to hold his office during four years; this is the ſecond great department of the government. It will be eaſily diſcovered from this curſory view of our conſtitution, the caution and jealouſy with which the people have conferred the power of making laws, of commanding what is right, and prohibiting what is wrong. But, ſir, after this law was made, after its authoritative mandate was acknowledged by the nation, it became neceſſary to eſtabliſh ſome tribunal to judge of the extent and obligation of this law. The people did not ſee proper to entruſt this power of judging of the meaning of their laws either to the legiſlative, or to the executive, becauſe they all participated in the making of theſe laws; and experience had ſhown, that it is eſſential for the preſervation of liberty, that the judicial and legiſlative authorities ſhould be kept ſeparate and diſtinct. They therefore, enacted a third department, called the judicial, and ſaid that "the judicial power of the United States, ſhall be veſted in one ſupreme court, and in ſuch inferior courts as congreſs may from time to time ordain and eſtabliſh. The *judges both* of the *ſupreme* and *inferior* courts ſhall hold their *offices during good behaviour*, and ſhall at ſtated times receive for their ſervices, a compenſation which ſhall not be diminiſhed during their continuance in office." It is admitted, I underſtand by all parties, by every deſcription of perſons, that theſe words, *ſhall hold their offices during good behaviour*, are intended as a limitation of power. The queſtion is; what power is thus to be limited and checked? I anſwer, that all and every power which would have had the authority of impairing the tenure by which the judges hold their offices, (if theſe words were not inſerted) is checked and limited by theſe words? whether that power ſhould be found to reſide in congreſs, or in the executive. The words are broad and extenſive in their ſignification, and can only be ſatisfied by being conſtrued to controul the legiſlative as well as the executive power. But gentlemen contend, that they muſt be confined to limiting the power of the Preſident. I aſk gentlemen, what is there in the conſtitution to prove their ſignification to this end alone? When you erect a court and fill it with a judge, and tell him in plain ſimple language, that he ſhall hold his office during good behaviour, or as long as he ſhall behave well; what I beſeech you, ſir, will any man whoſe mind is not bewildered in the mazes of modern metaphyſics infer from the declaration? Certainly that the office will not be taken from him until he miſbehaves; nor that he will be taken from the office during his good behaviour. Under this impreſſion he enters upon his duty, performing it with the moſt perfect ſatisfaction to all perſons who have buſineſs before him; and the legiſlature without whiſpering a compliant, aboliſhes the office and thereby turns out the judge. The judge is told this is no violation of the compact, although you have behaved well, although we have promiſed, that as long as you did behave well, you ſhould continue in office; yet there is now no further neceſſity for your ſervices, and you may retire. Theſe words "during good behaviour, are intended to prevent the Preſident from diſmiſſing you from office, and not the legiſlature from deſtroying your office. Do you ſuppoſe, ſir, that there is a man of common underſtanding in the nation whoſe mind is not alive to the influence of party ſpirit, that would yield his aſſent to this reaſoning? I hope and believe there is not. But, ſir, how is it proved that the Preſident would have had the power of removing the judges from their office, if theſe words during good behaviour had not been inſerted in the conſtitution? Is there any words in that inſtrument which give the Preſident expreſsly the power of removing any officer at pleaſure? If there are—I call upon gentlemen to point out—It does not reſult from the faſhionable axiom, that the power which can create, can deſtroy. The Preſident can nominate, but he can appoint to office only by the advice and conſent of the ſenate. Therefore, it would follow, if the power of diſplacing reſults from that of creating; that the ſenate ſhould participate in diſplacing as well as creating officers. But however this may be, it is certainly a mere conſtructive power which he has exerciſed, becauſe the legiſlature have from motives of expediency acknowledged, that he had it. If the conſtitution does not neceſſarily give the Preſident the right of removing officers at pleaſure, and if that right depend upon legiſlative act or conſtructions, where would have been the neceſſity for inſerting theſe emphatic words as a check and limitation of executive power, where without them the Preſident has no ſuch power. You are taking great pains to controul a power which does not exiſt. The perſons who formed our conſtitution, knew that a power of removal in ordinary caſes muſt exiſt ſomewhere. They took care therefore that in whatever hands it might fall, the language of the conſtitution reſpecting the tenure of the office of a judge ſhould be co-extenſive with the whole power of removal, whether it ſhould reſide in one or in more hands.

But, ſir, theſe words, during good behaviour, are familiar to the American people; when the political bands which united us with Great-Britain were burſt aſunder, and we aſſumed among the nations of the earth an independent ſtation, moſt, if not all the ſtates introduced theſe words into their conſtitutions. They were deemed eſſential, and a meaning has been ſtamped upon them which it is not in the power of this houſe to change. Let us for a moment examine ſome of the ſtate conſtitutions and ſee what ſignification muſt of neceſſity be given to theſe words. I will firſt advert to the conſtitution of North-Carolina, as being one with which I am beſt acquainted. In that inſtrument it is ſaid "that the General Aſſembly ſhall, by joint ballot of both houſes, appoint judges of the ſupreme court of law and equity, judges of admiralty and an attorney-general, who ſhall be commiſſioned by the Governor, and hold their offices during good behaviour." I aſk gentlemen what power is intended here to be limited and

checked by the words "shall hold their offices during good behaviour?" Not the executive, for it is well known that the Governor of that state cannot appoint even a constable. It could not be the meaning of that constitution to check his power of removal, for that of appointment is not any where given to him.—Then these words must mean that the legislature should not have the power of removing the judges from office as long as they behaved well. If you do not give this signification to the words they are of no importance, and might as well have been left out of the instrument. I hope the feelings of the people of North-Carolina will not be hurt, and their understandings insulted by telling us that the meaning of the words may be satisfied by construing them to extend to a prohibition of the legislature displacing the judges and proceeding to the election of others without those displaced being guilty of *misbehaviour*. If this is correct, what security, sir, have the people then for the independence of their judges? The constitution has told them that they should be judged by men who, during the time they behaved well should continue in office, or what is the same thing, should hold them during good behaviour. But they are now informed that this was intended to operate as a check upon the legislature's displacing them by selecting others to fill their offices when they had not misbehaved, but not to prevent their passing a law repealing that act by which the appointment to office was made; or in other words, our assembly are expressly forbidden to impair the tenure by which our judges hold their offices, as long as they behave well; but they can repeal the law, and the judges are out of office, though they may be the most virtuous, upright and able men in the country, and have discharged their duties faithfully. Are the gentlemen on this floor from N. Carolina prepared to give this construction to that constitution? Are they prepared to tell their constituents that the provisions of their constitution may be thus evaded, and the whole power of government, legislative, executive and judicial be concentrated in the general assembly, and absolute despotism imposed upon them? If they are not I conjure them to pause before they give their vote for the passage of the bill on the table. I will further observe, Mr. Chairman, that words of the same import with those I have quoted from the constitution of North-Carolina, are to be found in the Virginia and South-Carolina constitutions, in neither of which states hath the Governor the right of appointing judges. In Virginia, sir, the judges of the supreme court, in 1791, declared that the assembly of that state had not the power of imposing chancery duties on the district judge, and in delivering their opinions, descanted at large on the independence of the judiciary, and said that the assembly could not annihilate the office of a judge, which was secured to him by the constitution. If this is a true exposition of the constitution of that state, I ask gentlemen by what authority they now attempt to impose a different meaning on the same words, when found in the constitution of the United States? Are we to suppose that the whole people of America were less regardful of their rights, less solicitous for independent judges, than the people of a particular state? And unless this is conceded the doctrine of gentlemen who advocate the passage of this bill must be incorrect.

To be continued.

BOSTON, February 11.

Massachusetts Legislature.

HOUSE OF REPRESENTATIVES.

Tuesday, February 11.

The secretary delivered the following message from the governor:

Gentlemen of the Senate, and
Gentlemen of the House of Representatives,

The commonwealth has lost one of its best and ablest friends by the death of the Lieut. Govenor. He died yesterday about two in the afternoon, and his family propose that his funeral shall be attended on Monday next at two o'clock. A long and intimate acquaintance with him, enables some of us to bear testimony to his distinguished merit. He was solicitous to preserve the good order of society, and to exhibit to his fellow-citizens a pattern of every civil and moral virtue.—Without any solicitation on his part, he was many years elected a member of the senate, and presided in their deliberations with candour and dignity. In the office of Lieut. Governor he secured respect by a mild deportment resulting from the testimony of a good conscience. He was firm and inflexible whenever the interest of the commonwealth were concerned; and he acquitted himself with honor in all the offices confided to him by the public, and in all the relations of private life.

I shall be ready to join with you, gentlemen, in any tribute of esteem and respect which you may think due to the merit of his public services.

CALEB STRONG.

Council Chamber, Feb. 11, 1802.

A Message was received from the Senate, informing the house, that they had committed the governor's message to the hon. the president, and the hon. Messrs. Brigham, and Treadwell, with such as the house may join. The house added Messrs. Morton, Knox, Williams and Wells.

FEBRUARY, 13.

Yesterday, we learn, that the joint committee on His Excellency's message announcing the death of his Honor the Lieut. Governor, reported to the Senate, where the report was accepted.—The house being engaged in hearing counsel on the report respecting the Turnpike Road between this town and Salem, did not act on the report, which we suppose will be taken up this day. We understand the committee propose the following arrangements, for paying the tribute of esteem and respect so justly due to the merits of the deceased, viz. That His Excellency the governor, and the Honorable Council, the president of the Senate, and the Speaker of the house of Representatives, be requested to attend the funeral at Andover:—That on the day of interment the chaplains of the two Houses perform divine service at the Old Brick Meeting-House, in this town, and that the members of the Legislature meet in their respective chambers, and at 12 o'clock, walk in procession from the state-house to the Meeting-House, and attend the same:—That all Legislative Business be suspended on that day:—That his Excellency be requested to order minute-guns to be fired in the town of Boston, from the hours of two until four o'clock in the afternoon, on the day of funeral; and that the Selectmen of Boston, be requested to direct the tolling of the Bells of the town during the same time:---and that the Governor, council, and members of the Legislature wear a piece of black crape on the left arm on the day of the funeral, and from that time to the end of the present session.

The Virginia Gazette.

—RICHMOND—

TUESDAY, MARCH 2, 1802.

COMMUNICATION.

A short mode of calculating Interest at 6 per cent. per annum, on Virginia currency—the product to be in dollars and cents—reduce the pounds to shillings out of the two right hand figures—those on the left will be the answer in dollars, those on the right in cents.

EXAMPLES.

£.3000	£.1875 17	£.963 11
20	20	20
Dols. 400 00	D. 375 17	D. 192 71
£.13 16	£.8 11	
20	20	
Dols. 2 76	Dols. 1 71	

By the above it appears that the interest on a shilling at six per cent. is one cent: so that all small sums may be ascertained without the trouble of making calculations. For example, 30s. is 30 cents; 100s. is 100 cents or one dollar. This piece of information may be serviceable to the community: in the hopes and belief that it will be so, is the reason that it is offered to the public in this way. B.

By a report lately made to the Legislative Body of *France*, it appears to be the intention of the French government, that in *Guadaloupe* and *St. Domingo*, where the blacks have been declared free by law, they shall remain so; but that in *Martinique*, *Isles of France* and *Bourbon*, slavery not having been abolished, shall be maintained. The report mentions, that an army and a fleet being destined for *St. Domingo*, &c. tranquility will be restored; and prudence and wisdom will bring about cultivation and industry; but that experiments in favour of the freedom of the blacks, had cost humanity too much blood to be repeated again.

TOUISSAINT has published a very spirited address to the citizens of *St. Domingo*, on the subject of the reports, that an armed force was destined from *France*, to reduce them to bondage. He says he has received no official information on the subject; and appears to doubt the fact. "More confident," says he, "in the principles of the honour and equity of the French governmet, it never will enter into my heart to suppose it capable of the liberticidal projects imputed to it." After adducing a variety of considerations to shew that such could not be the intention of *France*, he adds, if it be true, he shall have nothing to do, but to resign his vengeance into the hands of GOD. "I am a soldier" he says: "I dread not man: I fear GOD only. If death must ensue, I shall die like a soldier of honour, who has nothing wherewith to reproach himself."

The following letter was addressed to the governor of Pensylvania, by Mr. Dallas, on his retiring from the office of recorder of the city of Philadelphia.

When you honored me with the commission of Recorder, I did not anticipate the objections, which were made in the name of the city councils. Acting, however, upon the superior judgment of yourself, and several legal friends, I thought it a duty to the public, as well as to you, to defend the appointment, in that instance, upon constitutional ground; and after an able discussion of the subject, I enjoyed the satisfaction of finding that the judges of the supreme court were unanimously in favor of the opinion for which I had contended.

I confess, likewise, that I did not anticipate, as an immediate consequence of the triumph in that contest, a legislative vote of disqualification; for if any of our friends, whether members of the assembly or not had suggested a wish that I would relinquish the office of recorder (and many of our friends, on the contrary, expressed a solicitude that I would retain it) I should cheerfully, have acquiesced, without scrutinizing the motives which influenced their conduct. Even under the present circumstances, I will not permit myself to question the validity, justice, or policy of the act; but submitting to it, implicitly, as an expression of the will on the legislature, I resign the commission of recorder; with the most grateful acknowledgements, as well for the liberal manner in which it was conferred, as for the personal kindness manifested in your reasons of dissent.

From a review of the recent collision of opinions, every republican, whatever side of the question he may have taken, will find occasion to rejoice. The members of the legislature have evinced an inflexible adherence to what was deemed a principle of public policy, equally free from the bias of party, and the influence of authority. The executive magistrate has maintained the independence of his judgment and his station, without encroaching upon the power of any other department of the state, and without sacrificing the sense of right to the desire of popularity. In such a scene, the officers of government will naturally imbibe sentiments of respect and confidence—the people cannot fail to discover new sources of esteem and veneration for their agents; and the friends of freedom will collect, with exultation, proofs of the purity, energy and stability of a republican institution.

It is true, my dear sir, that our political opponents are endeavouring to deprive us of these advantages, and to convert them into instruments of distrust and dissention. But I have no apprehension from their insidious, any more than from their vindictive attacks. A fair difference of opinion is no cause for animosity; and the republicans will readily perceive that the power which they have acquired by union and harmony, can only be preserved by a perseverance in the same system. Let them once grow jealous of each other, fickle in their objects, or intolerant in their passions; and the republican interest throughout the union (for the momentum of Pennsylvania politics is irresistible) will indeed become what the federalists have scornfully termed it, "a rope of sand."

May you, sir, who so faithfully contributed to establish the republic, live many years in health and strength to assist in averting every danger that threatens its peace and duration!

I am, with the sincerest esteem and respect, dear sir, your obliged and faithful humble servant,

A. J. DALLAS.

Philadelphia, Feb. 14, 1802.

To the Governor.

Sporting Intelligence.

The Races at the Washington course, near Charleston, commenced on the 10th instant.

The first day, the Charleston Jockey Club Purse, of one thousand dollars, four mile heats, was won by general Washington's mare Ariadne, by Bedford—raised by Col. Hoomes, of Bowling Green.

Gen. Washington's Ariadne,	1 1
Major M'Pherson's Leviathan,	2 dr.

The first heat was run in eight minutes and twenty seconds.

The second day, the Charleston Jockey Club Purse, of eight hundred dollars, three mile heats, was won by Gen. Washington's br. f. Trumpetta—imported by col. Hoomes, of Bowling-Green.

Gen. Washington's Trumpetta,	1 1
Col. Alston's bl. m. Maria,	2 2
Mr. R. Singleton's bl. m. Doracles,	3 3
Mr. T. B. Seabrooke's b. h. Furius Celsus,	4 4
Mr. Jenkins's horse Mogul,	5

The first heat in six minutes eight seconds, the second in six minutes nine seconds.

[Ariadne won the first day's purse at New-Market last fall—and Trumpetta the second day.]

The third day the Charleston Jockey Club Purse of five hundred dollars, two mile heats, was won by gen. M'Pherson's br. f. Ruxana.

Gen. M'Pherson's Ruxana,	3 1 1
Col. Alston's sch. g. Expectation,	1 2 2
Capt. Field's b. c. Buonaparte,	2 3 3
Mr. W. Harleston's br. c. Dragon,	distanced

The first and second heats in three minutes and fifty-eight seconds, the third heat in four minutes and eleven seconds.

The fourth day, the Charleston Jockey Club's * *Handy Cap* Purse, of one thousand dollars, three mile heats, was won by col. Alston's Maria.

Col. Alston's Maria,	2 1 1
Gen. Washington's Trumpetta,	1 2 dr.
Maj. M'Pherson's Leviathan,	4 3 2
Mr. Singleton's Doracles,	3 4 3

The first heat in five minutes fifty seconds, second heat in five minutes forty eight seconds, third heat in six minutes seven seconds.

* This mode of racing differs from the common, only in weighting the horses.—Instead of carrying the established weights of the course, ascertained by the age of the horse, judges are appointed to handy cap them. This is done by reducing the weights of the slower horses, in such proportion, as their performance, on either of the three first day's running shall indicate, as necessary to increase their speed to that of the standard horse, i. e. the best performer. The handy cap judges can take from the weight of a horse, at discretion, but can add to none. A competition, thus equally established, is designed to increase the sports of the turf, by exciting the more lively anxiety of the spectators. The above is the first handy-cap race, which has taken place in America; indeed, it is but of a modern date in England.

On the 11th inst. the Gentlemen of the Bar, in the City of New-York, in consequence of general notice, had a meeting to consider of the propriety of memorializing congress against the repeal of the judiciary act—this meeting had been called in pursuance of an invitation from their brethren of the Pennsylvania Bar. The meeting declined sending a memorial to congress, and concluded on a letter to their brethren of Philadelphia, coinciding with them as to the *inexpediency* of repealing the law—and declaring, *that the repeal of the law, connected with the destruction of the office and emoluments of the judges is an unequivocal violation of a vital and essential part of the constitution.*

Sales at Vendue,

By PROSSER & MONCURE.

On Monday the 3d day of May next, (the day preceding the Richmond Races, at 11 o'Clock, A. M. on the premises, viz:

ONE SQUARE, of four half Acre Lots, on one of which are erected, the most convenient and desirable BUILDINGS in this city—the present residence of the subscriber.

Five other Lots between the Basin and the River, severally improved, viz: A two story dwelling house, with stables, garden, and offices complete.

Another comfortable dwelling House; Stables, Garden and Offices, as above.

Another smaller detached dwelling house, with garden only.

A Store-House, now under rent for 150 dollars per annum; and the fifth, containing only a small stable for three horses, and carriage house.

With the view of affording a better estimate of this very valuable property, farther information may be gained upon application to the Auctioneers.

The terms of sale will be, one fifth paid down, or on a credit of 60 days; the balance in four equal semi annual instalments satisfactorily secured; on interest from the date, if not punctually paid.

Possession, and a clear legal title, will be given, to the entire accommodation of the parties concerned.

D. M. RANDOLPH.

Richmond, Feb. 12, 1802. cotds.

Notice!

WHEREAS the House of HOOPER & TOLLER has conveyed to us as Trustees for the benefit of its Creditors, the whole of its Stock and Merchandize in trade, and all its outstanding debts: We therefore give notice to those indebted to said firm, that they are to make payment to us alone.

Robert Gamble,
James Brown,
Charles Macmurdo.

Richmond, 1st March, 1802. 4w.

Mrs. Beaston,

HAS REMOVED to the house lately occupied by Mr. Gordon, next door to Mr. Robert Gordon, where she intends carrying on the business formerly. She has received by the last arrivals from New-York, a handsome assortment of

MILLENERY,

With a variety of Gold, Silver, Silk, and Straw trimmings, which she will dispose of reasonable.

Richmond, March 1802.

UNITED STATES:

Fourth Circuit, Eastern District of Virginia.

December Term, 1801.

James Beaston, administrator of Benjamin Bonner, deceased, *Plaintiff.*

AGAINST

Alexander Banks administrator with the will annexed of Thomas Banks, deceased, who was the surviving executor of Jacob Rubsamen, deceased. David Rubsamen, Balheser Rubsamen and Maria Catharine Rubsamen, legatees of the said Jacob Rubsamen, deceased, *Defendants.*

IN CHANCERY.

THE defendants David Rubsamen, Jacob Balheser Rubsamen and Maria Catharine Rubsamen, not having entered their appearance and given security according to the rule of this court, and it appearing to the satisfaction of the court that they are not inhabitants of this district: On the motion of the plaintiffs by their counsel, *It is ordered*, That they severally appear here on the first day of the next court, and answer the bill of the plaintiffs, and that a copy of this order be forthwith inserted in some one of the newspapers published in the city of Richmond, for three weeks successively, and posted up at the front door of the Capitol in the said city.

A Copy—Teste,

WILLIAM MARSHALL, c. c.

cp3w.

TO BE SOLD,

At Mr. Zachariah Brooke's Tavern, in Manchester, on Thursday the 18th day of March next, about

Twenty Slaves,

CONSISTING of men, women, boys and girls, very likely and valuable, among them are some experienced watermen, and valuable house servants; and, on Monday the twenty-second day of next month, at Dr. Philip Turpins, in Chesterfield county, a variety of

Genteel Furniture,

Consisting of beds, chairs, tables, &c. &c. a number of well chosen books, some plantation utensils, and some stock of different kinds, belonging to the estate of the late Daniel M'Callum, dec'd.

Terms of sale, ready money, but approved acceptances of merchants in Manchester or Richmond, payable in sixty days, with interest from the day of sale, for all sums above thirty dollars, will be received in payment.

JOSEPH FRIEND,
Surviving Executor.

Manchester, Feb. 22, 1802. eptdf

UNITED STATES:

Fourth Circuit, Eastern District of Virginia.

December Term, 1801.

Lewis Morgan and Hester Morgan, executor and executrix of Benjamin Morgan, dec'd. *Plaintiffs,*

AGAINST

Alexander Banks, administrator with the will annexed of Thomas Banks, deceased, who was the surviving executor of Jacob Rubsamen, deceased, David Rubsamen, Jacob Balheser Rubsamen, and Maria Catharine Rubsamen, legatees of the said Jacob Rubsamen, dec'd. *Defendants.*

IN CHANCERY.

THE defendants David Rubsamen, Jacob Balheser Rubsamen, and Maria Catharine Rubsamen, not having entered their appearance and given security according to the rule of this court, and it appearing to the satisfaction of the court that they are not inhabitants of this district: On the motion of the plaintiffs, by their counsel, *It is ordered*, That they severally appear here on the first day of the next court, and answer the bill of the plaintiffs, and that a copy of this order be forthwith inserted in some one of the newspapers published in the city of Richmond, for three weeks successively, and posted up at the front door of the Capitol in the said city.

A Copy—Teste,

WILLIAM MARSHALL, c. c.

Negroes for Sale.

In pursuance of a decree of the hon. the high court of chancery, in the suit of James Hunter's executor's against the representatives of Robert Coleman and others, will be exposed to sale, at Martinsburg, in the county of Berkeley, on Monday the 22d day of March, being court day,

SUNDRY SLAVES,

The property of the late Nath. Pendleton, Esq. dec. at auction for ready money, to satisfy the claim of the plaintiffs against the said Robert Coleman and others.

Edward Smith,
Richard K. Meade,
Thomas Massie,
} *Commissioners*

Feb. 24, 1802. 4w

Diſſolution of Partnerſhip.

THE public are hereby notified, that the Partnerſhip in Trade, formerly carried on by David Buchanan, James Dunlop, and Robert Pollok, under the firms of

BUCHANAN, DUNLOP, & Co.
In Peterſburg,

DUNLOP, POLLOK,
In Manchester, and

ROBERT POLLOK,
In Richmond,

Was diſſolved, [illegible] James Dunlop will receive and pay all debts due by and to the ſaid Partnerſhips, as will appear. Robert Pollok, those at Richmond and Manchester.

David Buchanan,
per his Attorney in fact,
Robert Pollok.
James Dunlop.
Robert Pollok.

Peterſburg, 8th Oct. 1801.

The Subſcriber, having taken the

Raleigh Tavern,

IN the City of Williamſburg, under his own management; and having laid in a large ſupply of the beſt wines and other LIQUORS, is encouraged to ſuppoſe, from his former ſucceſs in this line of buſineſs, that he ſhall be able to give complete ſatisfaction to travellers and others, who ſhall reſort to his houſe for entertainment. He alſo with pleaſure informs the public, that owing to the fall which has taken place in the price of moſt of the productions of the country, he is enabled to reduce the Stage Rates to what they formerly were. Baggage carried as uſual, at the riſque of the owner.

Philip Moody.

Williamſburg, Dec. 24, 1801.

NOTICE.

The Subſcribers have formed a Commercial connexion, under the firm of

Long and Crews.

THEY will be principally concerned in the purchaſe of Country Produce.

Should any buſineſs be offered in the Commiſſion Line, it will meet due attention from *Thomas Crews*, reſiding in Lynchburg, and *Will. Long*, here.

Their Office is on the ſecond ſtory above Meſſrs. ELLIS & ALLAN'S Store.

Will. Long,
Thomas Crews.

Richmond, Jan. 1ſt, 1802.

KNOWSLEY,

The moſt elegant and high formed Engliſh Horſe, 15 hands 3 inches high, a fine bay, 6 years old laſt May, in great perfection, and as to muſcular ſtrength and beauty not inferior to any horſe in the ſtate, which will be readily acknowledged by thoſe who will take a fair and impartial examination of him, full of vigour, and entirely clear of blemiſh—will ſtand at my ſtable on *Sandy Point* the preſent ſeaſon; and will cover Mares at SIX GUINEAS, which may be diſcharged by the payment of TWENTY DOLLARS on or before the 10th day of Auguſt next: TEN GUINEAS to inſure a colt, and THREE by the Leap, with One Dollar to the Groom at the ſtable door for each Mare. Mares may be fed at the market price of grain, in manner and quantity directed by the proprietors: Servants will be boarded without charge, and paſturage ſupplied *gratis*, equal in extent and goodneſs (if not ſuperior) to any in the commonwealth, and laid out in different apartments, ſo as to ſuit Mares in foal, thoſe that have foals, and all others. Here gentlemen will find it greatly to their intereſt to avail themſelves of ſuch advantages, independent of the high conſideration of raiſing horſes from ſo fine a ſtock. This horſe has coſt me on landing in this country upwards of ſeven hundred pounds ſterling, which can be ſeen by reference to papers in my hands; and even at this price it was with difficulty he could be obtained, for my agent, a gentleman of great veracity, writes me he could have ſold him for 170 Guineas more than the original purchaſe, which evidently proves the high eſtimation he was in.

Pedigree, given by Lord Derby in the following words, viz. "I do hereby certify, "that the bay horſe called KNOWS-"LEY, late the property of the Prince "of Wales, was bred by me. He was "got by Sir Peter Teazle, out of Capel-"la, and was ſix years old laſt May, and "no more.

(Signed) "DERBY. [Seal]
"Knowsley, June 15, 1801."

CAPELLA was bred by general Parker, foaled in 1773, and got by Herod—See General Stud Book, page 40. Sir Peter Teazle was got by Highflyer, in 1784—See ſame book, page 182. Highflyer was got by Herod—See page 201—And ſo on he may be traced through a noble line of anceſtors for ages paſt, without a ſingle flaw in his genealogy, either on the male or female ſide.

This extraordinary horſe ran often with great credit at two years old, and at three proved ſucceſsful; and ſo continued until the laſt of the year 1800. In 1801 he was purchaſed for me, and ſent to Virginia.—In 1798 he won a ſweepſtakes of 20 guineas each, for three year olds, 8 ſubſcribers, once round the ground, beating Mr. Pierce's b. c. by Walnut, Sir H.T. Vane's Puſ[illegible], Sir H. Williamſon's Strip[illegible] Fletcher's g. c. Camperdown, [illegible] Crompton's c. Baſto, and Lord [illegible] Hamilton's b. g. by Spadille, out of Snow Drop. See Calendar for 1798. He alſo won the Members' Plate of 50 guineas for three and four year olds, beating Lord Derby's four year old colt by Diomed, five to one on Knowſley, who was then Mr. Field's property. See Calendar for 1798. He alſo won a ſweepſtake for three year olds, beating Mr. Garforth's b. c. by Spadille, and Lord A. Hamilton's b. c. by Spadille. See Calender for 1799.

In May, 1799, York. On Tueſday May 28, a ſweepſtakes of 20 guineas each, (7 ſubſcribers) then the property of Mr. Walker, was won by Knowſley, beating Lord Fitzwilliam's ch. h. Wonder, five years old, Lord Hamilton's ch. h. by Walnut, Sir Thomas Gaſcoigne's Maid of the Mill, and John Robinſon's b. c. Abraham Newland. On Thurſday the 30th following, he alſo won the 2 and Plate, of 50 guineas, for four year olds, beating Lord A. Hamilton's b. c. by Spadille, Mr. Garforth's mare Caroline, 6 years old. Lord Belhaven's ch. h. Maſter Robert; 6 years old, Mr Weſtforth's Barnaby, and Mr. J. Anſon's gr. h. Little Scot, 5 years old.—See Calender for 1799.

IN June, 1800, (Guildford) the Prince of Wales owned him, and won the King's Plate for 4 year olds, of 100 guineas---10 ſtone 4 lbs. four mile heats, and beat Lord Donegall's b. h. by Pot 8 o's.---See Calendar for 1800, page 35.

Winchester, July 8. His Majeſty's Plate of 100 guineas was run for and won by Knowſley, beating Lord Donegall's b. h. by Pot 8 o's, 5 years old, and Sir F. Evelyn's, b. h. Aſparagus, 5 years old, 6 to 4 on Knowſley.

Lewes, Auguſt 12, 1800. The King's Plate of 100 guineas, four mile heats, was one by Knowſley, beating Lord Donegall's ch. c. Flngleman; four to one on Knowſley. Thurſday following he one a ſubſcription of 10 guineas each, beating Mr. Durand's Belleſima, and Mr. Ladbroke's Humbug. See Calendar for 1800—78 and 79.

Litchfield, on Thurſday September 9, he won the King's Plate of 100 guineas, three mile heats, for 5 year olds, carrying 8 ſtone 7lbs. beating Mr. Heming's b. h. Ploro, ten to one on Knowſley.

Notwithſtanding theſe evidences of Knowſley's ſuperior worth, yet it is my wiſh that gentlemen ſhould be ſtill further ſatisfied by a perſonal view of him; it is alſo my deſire that thoſe who are inclined to ſpeak and act candidly, would viſit me in the Spring, and take a ride over the paſtures, that they may be ſatisfied that nothing here aſſerted is exaggerated.

WILLIAM LIGHTFOOT.

February 1, 1802.

N. B. I will not be anſwerable for involuntary eſcapes or accidents.

VIRGINIA:
In the High Court of Chancery, September 26th, 1801.

BETWEEN
William Ludwell Lee, adminiſtrator with the will annexed, of William Lee, deceaſed, Plaintiff,
AND
William Brown, ſurviving partner of the late houſe of Perkins, Buchanan, and Brown, Sampſon Mathews, Major Wilcox, and Richard Adams, William Fry, and Thomas Maſſie, executors of Thomas Adams, dec. and Cyrus Griffin and William Marſhall, executors of William Griffin, deceaſed, Samuel Clarke, Jacob Kenny, and John Brokenbrough, adminiſtrator of James Edmundſon, deceaſed, Thomas Pleaſants, and Thomas F. Bates, under the firm of Pleaſants & Bates, executors of Bennet Brown, deceaſed, James Galloway and Rihard Crump, ſurviving partner of Trents, Crump and Bates, Defendants.

THE Defendant William Brown, not having entered his appearance and given ſecurity, according to the act of Aſſembly, and the rules of this court, and it appearing to the ſatisfaction of the court, that he is not an inhabitant of this country; on motion of the plaintiff, by his counſel, IT IS ORDERED, that the ſaid defendant do appear here on the firſt day of the next term, and anſwer the bill of the plaintiff; and that a copy of this order be forthwith inſerted in ſome newſpaper of the city of Richmond, for two months ſucceſſively, and poſted at the front door of the capitol in the ſaid city.

(A copy)
Teſte,
Peter Tinſley, c. c.

Hampden Sidney,

January 22, 1802.

THE TRUSTEES of the College wiſh to inform the public, that the buildings are in good repair for the reception of Students; and that the Rev. Archibald Alexander, who ſome months ago gave up the charge of the College as Preſident, has conſented to return, and has been re-appointed to that office. 4w

---

SEEDS.

Minton Collins,

Reſpectfully informs his friends and the public, that he has lately received, from the Northern States, a very general aſſortment of

GRASS SEEDS;

And from London, via New-York, a freſh aſſortment of

GARDEN SEEDS,

Which may be had at his SEED STORE, for CASH only, viz.

Red & White Clover,

Trefoile or yellow ditto,
Lucern & Timothy ſeed,
Burnet & Ryegraſs ditto,
Bluegraſs, Burden graſs, & Saintfoine,
Furz or Whin ſeed,
Spring Tares, or Vetches,
Hemp, Flax, Rape, Muſtard, Canary, and Spinage,
Large Norfolk and Summer Turnips,
Early ſalmon, ſhort-top and white Turnip Radiſh ſeed,
Early Frame, Hotſpur, Charlton, Marrowfat, Spaniſh Morotto, & Prolific Peas,
Large Windſor, long pod and Maſſagan Beans,
Blood red Beet, and Solid Celery.
Early York, Sugar Loaf, and Batterſea Cabbage ſeed,
Green and Yellow Savoy do.
Large Winter, Scotch, Dutch & Madeira Cabbage,
Red Dutch to pickle,
Bruſſels Sprouts and Borecole,
Early and late Cauliflower,
Green, purple and white Brocolie,
Salſafic & Narſturtium,
White and green Coſs Lettuce,
Indive Ice Lettuce,
Roman, Cabbage, Brown Dutch, & Grand Admiral Lettuce,
Corn Sallad,
Early Frame & long green Cucumber,
Madeira, Silver ſkin, Red and Welſh Onion,
Red & Orange Carriot,
Large Parſnip,
White and Green Aſparagus,
Garden Creſs, and Peppergraſs,

With an aſſortment of Flower Seeds; Glaſs Flower Bottles; ſome Painted Flower Pots, and Beachers for Chimney Ornaments, and Red Garden Pots, &c.

A TREATISE on GARDENING, by a Native of this State.

Richmond, Dec. 31, 1801. (tf)

The SUBSCRIBER,

Begs leave to inform the public, and his friends, that he has taken

The TAVERN,

FORMERLY occupied by Col. Parke Goodall, in the City of Richmond; and he flatters himſelf from his knowledge of the buſineſs and his ſtrict attention, to render general ſatisfaction. His houſe ſhall always be ſupplied with the beſt materials for that purpoſe, having a plenty of good ſervants, and an excellent hoſtler; his Stables will be ſupplied with plenty of Forage and Litter.

He wiſhes to take a few

BOARDERS,

at the cuſtomary price; and has alſo made preparations for the accommodation of

FIFTEEN or TWENTY
Members of the Aſſembly,

who ſhall be ſtrictly attended to, by

Peter Wilkinſon.

Richmond, Dec. 1ſt, 1801.

FOR SALE,

102313 *Acres of Land,*

ON the waters of Great Sandy River, each ſide of Louiſa Fork, Ruſſel County, ſurveyed in February, 1795, and originally granted by patent to Richard Smith and Henry Banks.

This valuable tract will be put up for ſale, at public auction, in Baltimore, on the 15th day of March next, and for the convenience of purchaſers will be parceled out in lots of 10,000 acres each. The terms of payment will be one fourth caſh, the remainder in 3 equal payments, every 6 months. The titles, in every reſpect, are indiſputable. For other information and particulars enquire of *Lewis Paſcault* or *Henry Meſſounier*, in Baltimore, or of *Joſeph Gallego*, in Richmond.

December 25th, 1801. (ep trſtM

William Temple,

Has Imported by the lateſt arrivals from London & Liverpool,

A GENERAL ASSORTMENT OF

MERCHANDIZE,

Which he will diſpoſe of low, by the PIECE OR PACKAGE.

He has alſo juſt received the following Articles, for ſale.

5 PIPES,
10 Hogſheads,
8 Qr. Caſks,
} Genuine Old Port WINE.
2 Pipes Madeira Wine;
1 Hhd. Old Antigua Rum, 4th Proof;
10 Tierces London Porter;
20 Hhds. Sugar;
50 Bags Coffee;
700 Sacks Liverpool Salt.

Richmond, Nov. 30, 1801.

CASH.

GIVEN FOR

TOBACCO,

AT the ſecond houſe below the Eagle Tavern, by

John Richard, & Co.

Richmond, Nov. 19, 1801.

Purſuant to the laſt will and teſtament of Mr. Thomas Fox, dec'd. will be ſold at King William Courthouſe, on Monday the 22d day of March next, if fair, if not, the next fair day, two valuable

Tracts of Land,

IN ſaid county, lying on Matapony River, 2 miles from Frazer's Ferry, 10 from ſaid court houſe, and thirty from Richmond, adjoining the lands of Meſſrs. Francis Dandrige and John Perrin, dec'd. One tract containing 277 acres, a ſufficiency of which is well ſtocked with timber, and the balance is opened for cultivation. The other tract adjoining contains 73 acres, all of which is well timbered; both of theſe tracts lay level and the ſoil is of the firſt quality, there is annexed to them a very extenſive and valuable marſh, ſuppoſed to contain 3 or 400 acres, from which may be ſupported a large ſtock of hogs and cattle at little or no expence. It is a beautiful ſeat and commands an extenſive proſpect of the river above and below, and affords plenty of fiſh and wild fowl—theſe advantages, together with the facility of conveying produce to market, render theſe lands very valuable. A credit till the firſt day Jan. next, for one half of the money, and till the firſt day of January 1804, for the other half, will be allowed on giving bond with approved ſecurity to

W. B. WALLACE, *Executor.*

January 12, 1802. 1af4w

Peach & Apple

BRANDY

For Sale by the barrel.

E. W. Rootes.

Richmond, Dec. 21, 1801.

E. W. ROOTES,

HAS FOR SALE,

Antigua Rum, by the Hhd.
Holland Gin, by the Pipe;
Cotton Cards, by the Box, aſſorted;
Philadelphia Porter, by the Barrel, of 3 doz. bottles.
Candles, by the box;
2d 3d 4d 5d and 6d Nails, by the barrel;
20 Tons Swediſh Iron, aſſorted.
Excellent Madder, by the Caſk;

AND A GENERAL ASSORTMENT OF

SHOES.

Richmond, September 26, 1801.

SPORTS OF THE TURF!

NEW-MARKET.

In conſequence of the elections in the different counties in this ſtate coming on the 24th day of April, at which time the New-Market Races are advertiſed, and from a deſire of many gentlemen of the turf alſo, I am compelled to alter the ſame to the third Wedneſday in May, at which time they will certainly commence, agreeable to the former tenor, viz:

FIRST day, a Sweepſtakes, by three year old colts and fillies, carrying each 86lbs. two mile heats, entrance One Hundred Dollars, half forfeit. This ſubſcription will be kept open until the 15th day of April, and no longer. Entrance to be made by letter or perſonal application to the ſubſcriber. Should more than ſix ſtart, the entrance money of the ſecond beſt will be returned.

Second day, a purſe of 400 dollars will be run for, four mile heats, entrance 30 dollars. Weights as heretofore eſtabliſhed.

Third day, a purſe of 200 dollars will be run for, two mile heats, entrance 15 dollars.

And the fourth day, a Sweepſtakes, by three and four years old colts and fillies, the former carrying 86lb. and the latter 100lb. two mile heats, entrance 100 dollars. This ſubſcription will be cloſed the evening of the third day's race; and if five or more nags ſtart, the entrance money of the ſecond beſt will be returned.

Good ſtables and litter furniſhed for race horſes GRATIS.

STIRLING GARY,
Keeper of the Courſe.

February 14, 1802.

THE Subſcriber having taken the above Courſe for two years, has furniſhed himſelf with good beds, as well as ſtables, together with oſtlers and ſervants of a proper deſcription; alſo, liquors of a ſuperior quality. He flatters himſelf from his experience, and a deſire to pleaſe, in the above buſineſs, to give general and complete ſatisfaction.

VIRGINIA:
In the High Court of Chancery.

Between
DAVID ROSS, Plaintiff,
And
JOHN OLD, Defendant.

THIS cauſe came on the twenty-ſixth day of May, in the year of our Lord one thouſand eight hundred and one, to be heard on the bill, anſwer, exhibits and examinations of witneſſes, and was argued by counſel; on conſideration whereof the court doth adjudge and decree: unleſs the defendant do on or before the twenty-ſixth day of November next, pay unto the plaintiff, two hundred and ſixty ſeven pounds, thirteen ſhillings and ten pence, of current money of Virginia, with intereſt thereupon to be computed after the rate of five per centum per annum, from the twenty third day of April, one thouſand ſeven hundred and eighty-five, until payment and the coſt expended by the plaintiff, in the proſecution of this ſuit, that the ſaid defendant and his heirs, and all perſons claiming under him, be from thenceforth barred and foreclоſed of all equity and right, to redeem the ſeveral tracts or parcels of land mentioned in the indenture of mortgage, among the exhibits made the twenty third day of April, one thouſand ſeven hundred and eighty-five, between John Old of the one part, and David Roſs of the other part: and in caſe of default in the payment of the ſaid principal money, intereſts and coſts, at the time aforeſaid, that David S. Garland, John Wyatt, George Dillard and John Chriſtian, or any two of them, after giving three weeks previous notice, in one or more of the Richmond newſpapers, do expoſe to public ſale, by auction, for ready money, the lands in the ſaid indenture mentioned and out of the proceeds of ſuch ſale, pay unto the plaintiff, the ſaid principal money, intereſts and coſts, and the ſurplus, if any after deducting the expences attending the ſale, pay unto the defendant, and make report thereof to the court.

A Copy—Teſte
PETER TINSLEY.

Plaintiffs coſts clerk and ſheriffs fees,	Dols.	Cts.
	16	97
Lawyers fee and tax,	17	66
	34	63

IN obedience to the foregoing decree, we will ſell, at public ſale, at Amherſt court houſe, for ready money, on the 15th day of March next, (it being court day) the Lands in the ſaid decree referred unto, which we find by the Mortgage to be 120 acres more or leſs, in the greateſt bent of James River, Amherſt county, purchaſed by the ſaid John Old, from George Hilton; alſo another piece or parcel of Land, containing five acres, commonly called the Mine-Bank, purchaſed from ſaid George Hilton. This Land was intended, as we are informed by the ſaid John Old, for erecting a furnace for making iron, for which purpoſe it is tho't to be well adapted. The ſaid mortgage alſo conveys all the entries made by ſaid Old, joining the ſaid land, which will be ſold at the ſame time and place.

David S. Garland.
George Dillard.
John Chriſtian.

January 30, 1802. tdſ

FIRST NOTICE,

In the caſe of JOHN CARTER, BANKRUPT.

WHEREAS a commiſſion of bankrupt founded upon the ſtatute of the Congreſs of the United States, paſſed the fourth day of April, in the year one thouſand eight hundred, entituled, "An Act "to eſtabliſh an uniform Syſtem of Bankruptcy throughout the United States," has been awarded and iſſued againſt *John Carter*, of Pittſylvania county, in the diſtrict of Virginia, *Merchant*, and he has been declared *Bankrupt*: and he is hereby required to ſurrender himſelf to the commiſſioners in the ſaid commiſſion named, or the major part of them, on the third and thirty-firſt days of March, and on the third day of April, next enſuing, at eleven of the Clock in the forenoon of each day, at the office of the *Underſigned*, lower end of Bollingbrook-ſtreet, in the town of Peterſburg, and make a full and true diſcovery and diſcloſure of his eſtate, real and perſonal, of every nature and deſcription, to which he may be entitled either in law or equity, when and where his creditors are to come prepared to prove their debts, at the ſecond meeting to chooſe aſſignees, and at the laſt meeting the ſaid Bankrupt is required to finiſh his examination.

All perſons indebted to the ſaid Bankrupt, or who have any of his effects, are not to pay or deliver the ſame, but to whom the commiſſioners ſhall appoint.

CONRADE WEBB,
Solicitor to the Commiſſion.

Commiſſioner's Office, Peterſburg, 10th February, 1802. } tAp 3 4w

---

A FEW COPIES OF

Henning's Juſtice,

May be had at this Office, and of Mr. Tinſley, Book-Binder and Stationer.